



DEPARTMENT OF THE ARMY
HEADQUARTERS, 26TH AREA SUPPORT GROUP
UNIT 29237
APO AE 09102-9237

AEUSG-DRM-B

15 August 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: 26th ASG DRM Staff Memorandum 33A, Overtime Control Program
Standing Operating Procedures (SOP)

This memorandum expires one year from date of publication

1. References:

- a. 5 USC Code of Federal Regulations, Part 550, "Pay Administration".
- b. AR 570-4, 15 May 00, Manpower Management.
- c. AR 690-990-2 20 May 89, Hours of Duty, Pay and Leave, Annotated.
- d. UR Pam 690-60, 1 Apr 96, Civilian Personnel, Collective Tariff Agreement.
- e. USAREUR Regulation 690-58, 24 Feb 98, Overtime Control Program LN Civilian Personnel.
- f. German Work Time Act (Arbeitszeitgesetz).
- g. Severely Handicapped Persons Act (Schwerbehindertengesetz).

2. Purpose. To prescribe procedures on control of overtime for Local National (LN) personnel and US paid from appropriated funds. The policy applies to all ASG and BSB activities.

3. Definitions.

- a. Overtime hours: All hours an employee is directed to work in addition to the regular weekly/monthly work hours established at the activity.

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b. Urgent cases: Unusual, seasonal or occasional workload which must be performed within a given time limit when additional personnel are not available, e.g., sick leave absence.

c. Emergencies: Extraordinary situations which are outside management's control and involve preservation of life, health, welfare and safety of personnel and/or protection of government property.

d. Compensatory time: Time off for civilian employees in lieu of overtime pay, equal to overtime hours worked.

e. On call overtime: Hours will be approved en bloc under the co-determination procedure with the local works council IAW 75 German Personnel Representation Law (GPRL).

4. General Overtime Provisions.

a. Overtime is restricted to urgent and emergencies and is limited to the absolute minimum hours required to complete the action, suspense or event. Responsible supervisors must resolve recurring situations by means other than use of overtime.

b. Managers requesting overtime must determine the proposed work hours meet the compelling or emergency criteria and that overtime is the best available option.

c. Compensatory time will be used to the maximum extent possible, consistent with reference guidance.

5. Special provisions for local national employees. As coordinated with the District Works Council, the following applies:

a. For Part-Time employees, regardless of the weekly work hours established in their employment contracts, overtime starts only after the regular weekly full-time schedule has been accomplished.

b. The Collective Tariff Agreement (CTA) and German Labor Law prohibit performance of overtime on a regular basis.

c. Overtime must be shared in a fair manner among all employees of an activity.

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d. Under the German Work Time Act, (Arbeitszeitgesetz), the work hours per day may not exceed eight (8) hours. The regular work hours and overtime per day may be extended to 10 hours only when the average of eight (8) work hours is not exceeded within a 6-month period

e. At their request, severely handicapped (50% disability or more) and assimilated employees will be excused for overtime work according to the Severely Handicapped Persons Act, Article 46, (Schwerbehindertengesetz). This policy does not apply to employees whose employment contract includes compensation for overtime work.

f. Requiring employees to work overtime is restricted to urgent cases and subject to established time, hours and incident limits. Criteria is met when:

(1) Occasional or seasonal workload must be handled in a given time limit and additional personnel are not available.

(2) Performance of overtime is more economical than hiring temporary employees or paying for charges or damages that would otherwise occur.

(3) Unexpected absence of several employees or personnel shortages occurs.

g. The total work hours per day may exceed 10 hours only under unusual, emergency circumstances, such as:

(1) Floods, fires, military crises.

(2) Unusual, occasional situations beyond the manager's control that must be handled within a given time and would result in changes or damage to Government property unless overtime hours are worked.

(3) Completion of work in progress which cannot be postponed until the next workday because doing so would have a significantly adverse impact on mission accomplishment.

h. Hours worked in addition to the established daily schedule are not overtime hours if equivalent time off (compensatory time) is given in the same workweek.

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i. Instead of overtime compensation, equivalent time off will be given the following three (3) calendar months, unless inconsistent with operational requirements. A pay supplement as defined in CTA II will be paid.

6. Special provisions for US Employees.

a. All hours of work in excess of 8 hours a day (tour of duty for normal scheduled employees) or a 40-hour workweek, which are officially required and approved, are valid overtime hours.

b. Overtime services beyond the regularly established basic tour may be utilized only in the event of an unusual emergency. Unusual emergency refers to unforeseen situations involving preservation of health, welfare and safety of personnel, or protection of government property, temporary peak workloads or seasonal requirements when overtime is more economical than hiring additional staff; or unique operating requirements when overtime is more economical than paying for charges or damages that would otherwise occur.

c. Under Title 5, USC, as amended, Wage board employees are also eligible for compensatory time. However, they cannot be required to work compensatory time in lieu of paid overtime. They have a choice.

d. US personnel whose rate of basic pay exceeds the maximum rate for GS-10, (GS-10, Step 10), are encouraged to take compensatory time off in lieu of paid overtime for irregular or occasional overtime work.

e. For US employees whose rate of basic pay exceeds the minimum rate for GS-10, (GS-10, Step 1), the overtime rate is set at 1.5 times the hourly rate of basic pay at that minimum rate (GS-10, Step 1).

f. An employee is paid for overtime work performed on a Sunday at the same rate as for overtime work performed on another day.

g. An employee is paid for overtime work performed on a Holiday at the Holiday rate.

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7. Overtime Control Procedures.

a. Funding Ceilings: ASG Staff and BSBs will be issued overtime funding ceilings at the beginning of each fiscal year. Funding ceilings will be based on historical data and will reflect known changes in workload or activities. Funding ceilings will not be exceeded without written approval from the 26th ASG Commander.

b. Approval: All requests for overtime and compensatory time are subject to prior written approval. The ASG Commander and the ASG Chief of Staff are the approving officials for the ASG staff. The BSB Commander and the BSB Executive Officers are the approving officials for the BSB activities.

c. Emergency: Emergency overtime is subject to oral approval by the activity director (DPW, DOL, S1, S2/3, etc.) or the duty officer prior to being worked. Oral, after the fact approval is acceptable under emergency situations. Justification (DA Form 5172-R) including information on the oral approval will be submitted to the 26th ASG Director Resource Management (DRM) Overtime administrator within five (5) working days following the overtime work performed.

d. Requests:

(1) DA Form 5172-R will be used for all overtime requests. The form can be obtained from the following web address:

www.odcsrcm.hqusareur.army.mil/ExOffice/forms.

Separate overtime request forms will be submitted for LN personnel and US. Data will be provided citing individual's name, grade/step and number of hours required, method of compensation and justification. In general requests will cover one (1) pay period (US personnel) or one (1) month (LN personnel). To expedite processing, electronic submission is recommended. Hard copy submission is acceptable.

(2) Overtime requests will be submitted by the requesting program director (PD) to the approving official. After endorsement by the approving official, the PD will forward the request to the DRM (26th ASG staff only) or to the DRM cell (BSB'S only) for fund availability control.

(3) When applicable, it is the requestor's responsibility to obtain the Work's Council concurrence for LN overtime requests prior to the effective date of scheduled overtime.

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(4) A copy of the approved overtime request form must be provided to the organization's timekeeper.

e. Reports: The DRM Manpower/Management branch will prepare monthly usage reports for the ASG Commander, Chief of Staff and the BSB Commanders.

f. Records: Organizations are required to keep copies of approved overtime request and time and attendance reports for three fiscal years.

8. The proponent for this procedure is the 26th ASG DRM, DSN 373-1410

FOR THE COMMANDER:

/s/

DAVID M. MERHAR
Chief of Staff

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